

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re

Case No. 23-70319-las

WILLIAM LUCIANI,

Chapter 11

Debtor.  
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**NOTICE OF MOTION**

**PLEASE TAKE NOTICE**, that a hearing will be held telephonically before the Honorable Louis A. Scarcella, United States Bankruptcy Judge on **June 15, 2023, at 10:00 a.m.** (the “Hearing Date”), or as soon thereafter as counsel may be heard, to consider the debtor’s motion (the “Motion”) pursuant section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”) authorizing Mr. Luciani’s continued use of his existing bank account and associated debit card in the ordinary course of his basic subsistence.

**PLEASE TAKE FURTHER NOTICE** that objections, if any, to the relief request in the Motion shall be in writing, shall state with particularity the grounds therefore and must be filed with this Court electronically by registered users of the Court’s electronic case filing system and served upon Lester Korinman Kamran & Masini, P.C., 600 Old Country Road, Suite 330, Garden City, New York 11530 (Attn: Peter K. Kamran) counsel to the Debtor so as to be received at least seven days before the hearing date set forth above.

**PLEASE TAKE FURTHER NOTICE**, that all parties wishing to appear at the Hearing must register their appearance with the eCourt Appearance electronically following the instructions located on Judge Scarcella’s website located at <https://www.nyeb.uscourts.gov/content/judge-louis-scarcella> at least two (2) business day before the scheduled hearing to identify the parties that will appear. All attorneys must also identify the

party the attorney represents. All phones must be placed on mute until your case is called. Please call in at the time at which your hearing is scheduled, to avoid missing the call of your case. Note that, depending on where your case is on the calendar, you may have to wait for time with your phone on mute until your case is called.

**PLEASE TAKE FURTHER NOTICE** that the hearing to consider the Motion may be adjourned without further notice other than by announcement of such adjournment in open Court on the date scheduled for said hearing.

Dated: May 10, 2023  
Garden City, New York

Lester Korinman Kamran & Masini, P.C.

/s/ Peter K. Kamran  
Peter K. Kamran, Esq.  
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**LESTER KORINMAN KAMRAN & MASINI, P.C.**

Counsel to debtor William Luciani  
600 Old Country Road, Suite 330  
Garden City, New York 11530  
(516) 357-9191  
Peter K. Kamran, Esq.

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

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**DEBTOR’S MOTION FOR AN ORDER WAIVING THE  
DEBTOR-IN-POSSESSION ACCOUNT REQUIREMENT**

**TO: THE HONORABLE LOUIS A. SCARCELLA  
UNITED STATES BANKRUPTCY JUDGE**

WILLIAM LUCIANI, the debtor and debtor in possession (“Mr. Luciani”) by and through his undersigned counsel, hereby moves seeking entry of an Order, substantially in the form of the proposed Order annexed hereto, and pursuant section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”) authorizing Mr. Luciani’s continued use of his existing bank account and associated debit card in the ordinary course of his basic subsistence, and respectfully states as follows:

1. On January 27, 2023 (the “Petition Date”), Mr. Luciani filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code (the “Petition”), commencing the above-captioned bankruptcy case (the “Bankruptcy Case”).
2. Mr. Luciani continues to subsist as the debtor-in-possession.
3. No trustee, examiner, or Official Committee of Unsecured Creditors has been appointed in the Bankruptcy Case.

4. Mr. Luciani respectfully submits that the transition to and the processes of chapter 11 will be more orderly, and minimize harm to Mr. Luciani's wellness and basic subsistence, provided that Mr. Luciani is authorized to continue using his existing bank account at Citibank<sup>1</sup> (the "Bank Account") and the debit card associated with the Bank Account as scheduled in the Petition for basic living expenses<sup>2</sup>.

5. Mr. Luciani has been left essentially homeless since January 21, 2022, and wandering the streets, moving from motel to motel and staying in relatively short-term Airbnbs in order to find basic shelter.

6. Mr. Luciani's continued use of the Bank Account is solely for basic food and shelter and as such it would be much less disruptive to Mr. Luciani to continue to use his existing Bank Account and associated debit card rather than be required to close the Bank Account and open a new Debtor-in-Possession account with the attendant disruption caused by changing bank accounts at such a time in his life.

WHEREFORE, Mr. Luciani respectfully requests that this Court grant the relief sought by this Application in its entirety, or to the fullest extent that this Court deems appropriate given the circumstances.

Dated: May 10, 2023  
Garden City, New York

/s/ Peter K. Kamran  
Peter K. Kamran, Esq.  
Lester Korinman Kamran & Masini, P.C.  
600 Old Country Road, Suite 330  
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<sup>1</sup> Citibank Checking and Savings account no. XXXXXX4430.

<sup>2</sup> Mr. Luciani's bank accounts at Chase Bank, Bethpage Federal Credit Union, and Capital One have been closed.

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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Case No. 23-70319-las

WILLIAM LUCIANI,

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Debtor.  
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**ORDER WAIVING THE DEBTOR-IN-POSSESSION ACCOUNT REQUIREMENT**

Upon the motion dated May 10, 2023, (the “Motion”) of William Luciani (the “Debtor”), pursuant section 105(a) of title 11 of the United States Code (the “Bankruptcy Code”) authorizing the Debtor’s continued use of his existing bank account and associated debit card in the ordinary course of his basic subsistence; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157 and 1334; and due notice of the Motion having been provided and it appearing that no other or further notice need be provided; and the Court having determined that the relief sought in the Motion is in the best interests of the Debtor’s estate and all parties in interest; and upon the Motion and all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefore; it is

**ORDERED** that the Debtor is authorized and empowered to retain and utilize only the pre-petition Citibank bank account no. XXXXXX4430 and shall not be required to open and maintain a debtor-in-possession bank account.